

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2021 of 1985

Date of decision ; 10-10-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MADHUSUDHAN B PATEL

Versus

GUJARAT DAIRY DEVEL CORP LTD

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Appearance:

MR YOGESH THAKKAR for Petitioner

MR KM PATEL for Respondent No. 1

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/10/97

ORAL JUDGEMENT

The petitioners filed this special civil application praying for direction to the respondents for quashing and setting aside the action of the respondent Corporation in resorting to recruitment of the staff by private arrangement, without giving any public advertisement. It has further been prayed that the respondent Corporation may be restrained from implementing the order of appointment dated 8-3-1985 appointing the various persons on the post of Deputy Managers in the scale of Rs.700-1300. Under the said order as many as 11 persons were given appointment on the post of Deputy Managers inclusive of respondents No.2 to 5. The counsel for the respondent No.1 makes statement before this Court that though out of list of 11 persons only respondents No.2 to 5 had joined the post at one point of time, now they also have left the service. This statement of the counsel for respondent No.1 is not controverted by the counsel for the petitioner.

2. In view of the fact that the appointment of respondents No.3 to 5, which has been challenged, no more survives, as those respondents have already left the service of respondent No.1, and in view of subsequent development which have taken place during the pendency of special civil application, I find sufficient merits in the contention of the counsel for the respondents that this petition has become infructuous. The counsel for the petitioner is also unable to successfully controvert this statement of the counsel for the respondents.

3. In the result this special civil application is dismissed as having become infructuous. Rule discharged. Interim relief granted earlier stands vacated. However, it is made clear that dismissal of the special civil application will not give any right to respondent No.1 for making any appointment of the persons named in the order dated 8-3-1985. No order as to costs.

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csm

